



**REGULAR BOARD MEETING**  
**University Park Plaza**  
**University Conference Room A – 4th Floor**  
**2829 University Avenue S. E.**  
**Minneapolis, Minnesota 55414**

**November 16, 2007**

**Members Present:**

Kathleen Beehler, LSW  
Anthony Bibus, III, LISW  
Robin Bode, LSW  
William Cullen, Secretary-Treasurer  
David Hallman, LSW, Vice-Chair  
Rosemary Kassekert, Public Member  
Mary Casey Ladd, LICSW  
Peter Langseth, LSW  
Kenneth Middlebrooks, Public Member  
Anoma Mullegama, LICSW, Chair  
Tamerlee Ruebke, LSW  
Beverly Ryan, LISW  
David Sandry, Public Member  
Antonia Wilcoxon, Public Member

**Staff Present:**

Louis Hoffman, Director of Compliance  
Brenda Mammenga, Compliance Coordinator  
Sheryl McNair, LICSW, Staff Social Worker  
Frank Merriman, Executive Director  
Connie Oberle, Office Manager  
Kate Zacher-Pate, LSW, Assistant Executive Director

**1. PROPOSED AGENDA**

Chair Mullegama called the meeting to order at 10:05 a.m.; a quorum was present. Merriman asked that a presentation by Mary Olympia from HPSP be added to today's agenda. **A motion was made by Langseth, and seconded by Beehler, to approve the agenda as amended. The motion carried unanimously.**

**2. MINUTES FOR SEPTEMBER 21, 2007 MEETING [Attached]**

Bibus asked to amend the minutes under number nine, (Committee and Liaison Reports) page six, and the second bullet under G. with the following numbers: "Approximately 38% or 3,422 of county social workers are voluntarily licensed...." The September 21, 2007 Board

Meeting minutes were unanimously approved by the Board with the amendment. **A motion was made by Bode, and seconded by Ryan, to approve the September 21, 2007 minutes as amended. The motion carried unanimously.**

3. EXECUTIVE DIRECTOR'S REPORT [Attached]

Merriman distributed "Board Members' Terms" which notes that the terms of Bibus, Hallman and Bowman will expire January 7, 2008, and that Bibus will not reapply for appointment to the Board. He also distributed "Distribution of Board Members" and said that the position formerly held by Roy Garza is vacant.

*[Sandry arrived at 10:12 a.m. and Ladd at 10:14 a.m.]*

Merriman reported the following:

A. Strategic Plan Status Report [Attached]:

- Merriman said he has changed the format of the report and that it is a tracking sheet, not a detailed description of action steps. Also, that the dates are not fixed and that the highlighted items are the target dates from his previous report.

B. Statistics [Attached]:

- Online renewals and applications are at about 60% and we hope to increase them to 80%. Compliance statistics are not reliable and will be available upon updating the database.

C. 2008 Meetings and Notice of Room Changes [Attached]:

- Conference Room A will be used for the Board meetings, as usual, except the January, September and November Board meetings, which will be held in Conference Room C.

D. T-Shirts:

- The shirts have been ordered and will be available at the next Board meeting.

Note: Ryan asked if a questionnaire could be included in the online application and renewal process so that the Board could receive feedback from individuals using these services. Merriman responded that this topic has been included in his action steps that have been distributed.

4. COUNTY SOCIAL WORKERS' STUDY: Tony Bibus [Attached]

Bibus thanked the Board, the staff and colleagues who helped him with this sabbatical study, which he said is an opportunity in the academic world to devote attention to a goal, study and rest. He said that he is rejuvenated and ready to report to the Board and policy leadership who use social work services in the State. Bibus has been working on this project with Chris Black-Hughes from Minnesota State University-Mankato who has also been on sabbatical, and the topic was decided upon by the Board back in January. The following are Bibus' comments:

- The study looked at how many county social workers there are and how many county social workers are licensed voluntarily. The question of what is the experience clients have when they receive services from county social workers that are not licensed, versus licensed, is not included in this study, but is of key interest.

- Bibus thanked Connie Oberle for the work she did in putting together a spread sheet which includes the names of all county social workers hired through the Merit System which is used in 73 of the 87 counties in Minnesota, and the 14 counties that have their own civil service system. He said this was tremendous work on Oberle's part and the first time that these statistics have been gathered.
- Bibus thanked Mankato State graduate student Yong-Seuk Park who completed an analysis for the study including the geographic distribution of social workers in Minnesota on a map, page 45 of the report.
- He also thanked his colleagues at Augsburg College for covering for him during his sabbatical.
- The Social Work Practice Act was instituted in 1987 and it provided that licensure would be voluntary for those social workers practicing in city, county and state agencies.
- County social workers and administrators believed that licensure was not needed for their clients because clients had provisions under state agencies for due process against social workers. Therefore, the 1987 Social Work Practice Act included the political compromise to create exemptions in order to pass the legislation. However, there was consensus that private practice practitioners should be licensed to protect vulnerable and sexually exploited clients. There are about 25 states and provinces that have exemptions for local, state or federal social workers.
- County personnel statistics in this report are approximations as different systems in the state have different titles, and some county supervisors are licensed and provide direct service, and some don't.
- This study is a reasonable estimate that will set a baseline for future studies which could be replicated every two years to keep up with trends.
- Another topic for study is why exempt social workers either voluntarily terminate, take a temporary leave, expire or inactivate their licenses.
- Statistics show that there are 3,422 county social workers and that 38% of them are currently licensed.
- Leadership is likely key to whether practitioners become licensed and retain their license. Three of the largest counties (Anoka, Olmsted and Dakota) have a proportion of licensed social workers higher than 38% but less than 50%. In the three other largest counties (Hennepin, Ramsey and St. Louis) fewer than 38% of their social workers are licensed. Bibus said it's important for the Board to communicate to this 38% in direct ways, such as a newsletter, to encourage them to retain their licenses or to have them contact the Board if they are thinking about letting their licenses lapse.
- Reasons individuals let their licenses lapse: cost, access to supervision, not planning to move to a nonexempt setting, lack of support from the agency and a perception of the Board's punitive nature regarding complaints.
- A result of this study shows that if administration, the public, educators and the licensees themselves value the social work license and improving client services and supervision, then supervision will be more frequent and dependable in contrast to supervision received in a setting without licensure.
- Recommendations to the Board as a result of this study:
  - 1) Encourage licensed county social workers to maintain or reactivate their licenses
  - 2) Replicate this study with county supervisors
  - 3) Explore clients' experiences with licensed and unlicensed county social workers
  - 4) Continue analyses of the data
  - 5) Continue educational outreach and dialogue
  - 6) Strengthen statute and explore registration
  - 7) Continue collaboration and partnerships

- A key benefit to licensing is to provide a neutral third-party venue for clients when practice standards of county social workers have fallen below standards.
- The public and media are confused about what a social worker is and the exemption concept. People cannot believe that county social workers do not need to be licensed and, therefore, they must be second rate or that there is a two tiered system.

#### Questions and Answers:

- Ladd asked if we know how the current complaint process works in the counties and whether we should look at how much the county complaint process protects the social worker vs. the client.
- Bibus responded that in a meeting with the Ombudsman Office which represents people using county services, they said their purpose is to protect the clients because people are afraid to make complaints against the agencies where they are receiving services.
- Ladd asked if we could get information regarding the grievance process from DHS.
- Bibus and Ruebke said that each county may have a different process as they are not uniform across the state.
- Bibus said that in the context of legal definitions of the statute and the regulation of practice, there are two continuums to consider: registration/certification and licensure. On the rigorous side, licensure requires that a person exhibits educational competence by examination through a valid set of competencies, has a criminal background check, completes continuing education requirements upon licensure, and retains supervision from a person that is accountable to the set of standards as a licensed practitioner. On the less rigorous side, there could be a system of registration or certification that may be voluntary with competence identified through a certificate obtained by a type of civil service testing.
- The Registration of unlicensed county social workers who are in the same positions as licensed social workers may restrict the registrant from using the title "Social Worker". The individual would be a social service provider and may have supervision requirements, and would have oversight from an agency or board.
- Registration would provide a legal list of practitioners to the Board through which the Board could investigate complaints.
- Mullegama asked if there shouldn't be a study on the directors of counties and Bibus said that this should be our next step.

Middlebrooks thanked Bibus for his excellent work on this report. Merriman also thanked Bibus for his commitment to the Board and the great job he did in completing this valuable and pro bono report to the Board. Also, the report will be available on the Board's website.

*[Wilcoxon arrived at 11:50 a.m.]*

#### 5. TRAINING ON 2007 LEGISLATION: Frank Merriman and Kate Zacher-Pate [To Be Distributed at Meeting]

Merriman began and said the following:

- The Legislation and Rules Committee is looking at policy issues, how we interpret the statute and how to implement the provisions. Recommendations will be brought to the Board at the January meeting.

- There are three pieces to the legislation: 1) provisional licenses initiated by the Board in response to legislative directive on whether or not to continue the alternate licensing method of FB/ESL; 2) temporary licenses initiated by the Board in response to a request from new Minnesota MSW programs that are undergoing accreditation by CSWE; and 3) clinical standards which were not initiated by the Board, but by the DHS Task Force which was convened based on a legislative mandate to review standards for clinical practice across mental health disciplines.

Zacher-Pate made the following comments:

- The impetus for the temporary license provision to the legislature is that Minnesota State Universities Mankato started an MSW program and is seeking CSWE accreditation. This license allows graduates to apply for licensure and authorizes practice for up to twelve months pending program accreditation. The provision is effective August 1, 2007, and there is a \$50 temporary licensure fee.

Merriman commented:

- The impetus for the clinical standards changes came from the Associations and the DHS Task Force in response to the legislature and Representative Abler who proposed an amendment which required a study. Representatives from the Boards and Associations were appointed to the Task Force and it developed a report with recommendations which the Board of Social Work considered. Subsequently, the Board made a proposal to the legislature, which was passed.
- The point of the legislation was to have similar standards among the mental health professions for clinical practice. An important part of the legislation is that it had a four year delayed effective date so that practitioners and the Board would be able to meet the requirements.
- The intent of the legislation was to strengthen the public protection mission of the Board and to have higher standards for clinical practitioners, as well as non-clinical practitioners.
- The legislation will also help to ensure third-party reimbursement for LICSWs.

Zacher-Pate made the following comments:

- The clinical standards changes set out to specify educational requirements in order to be eligible for LICSW licensure. The Board had accepted a CSWE accredited MSW degree, but there were no specific coursework requirements.
- As of 2011, there will be academic coursework requirements, and the LICSW must have completed 360 hours in clinical knowledge areas.
- The LICSW supervised practice requirement will increase from 75 to 200 hours which is an increase from 3 to 8 hours per month.
- Of the 4000 hours of clinical practice required, 1800 hours must be in direct clinical client contact.
- Supervisors must complete 2000 hours of practice, complete 30 hours of training in supervision, and have at least 6 CE hours in practice of supervision at each biennial renewal.
- Since Minnesota standards were below many other states, standards for all social workers will be increased effective 2011.

Merriman made the following comments:

- The provisional license turned out to be the most controversial piece of legislation and its history comes from the Board's FB/ESL alternate licensing method for those who failed

the ASWB examination. It became effective August 1, 2001 and upon its expiration in 2005, the Board was required to do a study to see if the ASWB exam was fair for FB/ESL applicants.

- The Board completed the study and submitted it to the legislature in October 2004. The Board requested two more years to prepare recommendations and have the existing system remain in place until August 1, 2007.
- Langseth chaired the FB/ESL Committee and the recommendations were successful with the help from the Associations and others. However, Senator Erickson Ropes and Senator Marty proposed an amendment to the Board's provisional license proposal requiring that the Board do a study which would show "how to increase the numbers of licensed social workers serving underserved communities and cultural and ethnically diverse communities, and explore alternative paths to licensure that does not include a standardized examination."
- Wilcoxon is chairing the Licensing Study Committee which will make recommendations on this issue to the Board.
- There was agreement that the standards needed to be more rigorous, so the letters of recommendation and experience ratings from a professor in the applicant's academic program and two social workers who are licensed were replaced with supervision of practice.
- Requirements that remained the same: the provisional license is only available to applicants born outside of the US who speak English as a second language. All other licensing requirements must be met including a CSWE BSW or MSW degree, supervision, if applicable, and ASWB examination. If the applicant does not obtain a passing score on the ASWB exam, then a provisional license may be granted for a three-year period, during which time they must practice under supervision for 2000 hours.
- The Provisional Licensee must submit a supervision plan to the Board and have six month evaluations. At the end of the 2000 hour period if the supervisor attests to the supervisee's competence, the supervisee will be eligible for a permanent license.
- The supervisor must have 5000 hours of practice or 30 hours in supervision training.
- This process became effective August 1, 2007 and the Board has received its first application for a Provisional License and granted the provisional license.

Merriman commented:

- The Chapter 123 Omnibus Health Licensing Bill includes all of the health licensing boards.
- The Board's new statute in 2011 will be 148E and it will include the present statute, 148D.

6. LUNCH (12:15 to 12:45 p.m.)

7. HPSP REPORT: Mary Olympia [Report Distributed]

Olympia reported that HPSP offers a single point of contact for all regulated professionals, providers and employers having concerns about health professionals with substance, psychiatric and other medical disorders. She made the following comments:

- 63% of monitored social work discharges are completed, 20% voluntarily withdraw and 17% are noncompliant.
- Substance disorders among social workers rank at 47% of the participants and psychiatric disorders rank at 76%.

- Participants are screened three times per month and a longer acting alcohol test is being used.
- HPSP now has five full-time case managers with a case load of 114 each. The national average is 100.

## 8. COMMITTEE & LIAISON REPORTS

### A. Advisory Committee: Tony Bibus [Minutes Distributed]

Bibus introduced Advisory Committee member, Stephanie Alen, to report today on the Committee's last meeting. Alen made the following comments:

- She thanked Antonia Wilcoxon and Gina Green for attending the last meeting.
- Wilcoxon said that the Board should provide outreach and marketing to counseling services that do not have licensed social workers to get the word out about the benefits of licensure.
- Green, Program Manager of OMHP, explained how the office works and she was asked whether the Board of Social Work or OMHP could possibly target unlicensed practitioners. Green explained that the office is complaint driven and OMHP does not have resources to search for unlicensed practitioners.
- Implementation of the Board's new supervision requirements were discussed, and including them on the Board's website, along with a list of supervisors who meet the criteria in supervising licensees.
- Merriman met with the Coalition to discuss a possible meeting with social work supervisors to discuss the supervision issues. Pam Luinenberg, Coordinator of the Minnesota Coalition of Licensed Social Workers and Advisory Committee Member, was asked to report back to the Coalition about the discussion at the last Advisory Committee meeting and to report today.

Luienberg made the following comments:

- She said that the Coalition is focused on assisting social workers to meet supervision requirements, and that the Board has referred social workers to her because licensees are having difficulty in finding a supervisor.
- In her workshops people have requested a list of supervisors who have attested that they are available to provide supervision.
- The increase in supervised practice requirements, effective August 1, 2011, will likely cause additional burdens in meeting the requirements.

Zacher-Pate commented:

- The Board recognizes the need for supervisors and it understands the potential liability issues that may be involved.
- While the Board's primary mission is public protection and not necessarily to promote the profession, it's in our best interest to provide services needed by licensees and with the increase in supervision hours, the burden increases to find supervisors.
- Merriman, McNair and she have talked about posting supervisor information on our website through the online licensure verification service.

B. ASWB: Kathy Beehler

Beehler reported the following:

- Ladd, Middlebrooks, Zacher-Pate and she attended the ASWB Annual Meeting, November 9-11, 2007 in San Antonio, Texas. 49 Jurisdictions were represented with 115 attendees.
- Donna DeAngelis, ASWB Executive Director, talked about the millions of dollars it would cost to restore the examination program if there was a breach to the ASWB examination, and that it would take 18 months to build new exams. She said that there is an online practice exam available for a fee of \$75, and that the exam is fair for people who are proficient in English and have an eighth grade reading level.

Ladd reported that she questioned ASWB's rigid stance on the bias for ESL applicants. DeAngelis said they are done talking about ESL issues. However, West Virginia made a motion at the meeting recommending that ASWB create a task force to study the ESL issues related to the exam. 39 states approved the motion, with 4 votes against it.

Zacher-Pate reported the following:

- There was good information from the Administrator's forum and the DARS publication, and ASWB said we could post its handout about examination pass/fail rates on our website. It will be included on our website's exam resource area.
- Oregon sent a letter to ASWB asking if the ESL issue could be included on the Administrator's Forum agenda, and it was. Interest is spreading on the issue.

There was discussion about Board representation on ASWB's ESL Task Force. Ladd volunteered to be on the Task Force. **A motion was made by Bode, and seconded by Wilcoxon, to send a letter of support to ASWB stating that Minnesota would like to be represented by Ladd on the ESL Task Force. The motion carried unanimously.**

Zacher-Pate made the additional comments:

- In 2006 ASWB's Candidate Registration Center received over 54,000 phone calls and administered about 24,000 exams which is an increase of 8% in one calendar year.
- 2006 national statistics for passing the examination for the first time: Bachelors – 78%; Masters – 74%; Advanced Generalist-53% and Clinical-74%.
- ESL first time test takers had 59 applicants and 32% passed. 138 repeated the exam and 19% passed.
- As of January 1, ASWB will offer jurisdictions the option of having score reports sent to their candidates and as of December 1, electronic score transfers will be available to the Boards.
- Dean Pierce, CSWE Director, presented at the Administrator's Forum about the accreditation process, provided a manual, and answered questions. He said that CSWE will not move toward establishing clinical standards and they are revising their EPAS (Educational Policy and Accreditation Standards) which will be available for public comment until December 15. They will be provided to the Board and Bibus agreed to comment on them.
- ASWB's Spring Conference will focus on education, regulation and how educational standards interface with licensing standards and public protection, etc.
- Charlotte McConnell is ASWB's new President.



- C. Compliance Committee: Anoma Mullegama, David Hallman, Ken Middlebrooks

Hoffman reported that there were no compliance cases requiring Board action.

- D. Compliance Education Outreach Committee: Antonia Wilcoxon

Wilcoxon asked McNair to comment. McNair reported the following:

- Hoffman submitted a proposal from the Board to present at the MSSA Conference in March. The presentation will be relevant to county social workers. Merriman, Zacher-Pate and Ladd will present on the 2007 legislation and possible 2009 legislative agenda.
- The NASW Conference will be June 6.
- The Minnesota Psychological Forum will take place April 4.
- Other conferences at which the Board has had an information booth or presented include: Saint Louis County's, NAMI, Black Social Worker Association, MSSA, Nursing Home Social Workers, and Sherburne County.

- E. Council of Health Boards: Rosemary Kassekert

Kassekert reported that there was no meeting and that there will be one on December 6.

- F. Finance Committee: Bill Cullen [Report Distributed]

Cullen reported the following:

- He and Merriman met on Wednesday to look at future projections.
- The Committee met last night and it was discussed what the Board should do with its technical budget of over \$200,000. Legislation in 2007 authorized carry over of surplus funds which must be used for a one-time technical project with no guidance from OET. Merriman is hopeful that the temporary IT salary position could possibly come out of the funds. The Committee will submit a report to the Board about the project.

- G. HPSP: Rosemary Kassekert

Kassekert reported that HPSP will have an open house at its new office on November 27 in lieu of its quarterly meeting.

- H. Legislation & Rules Committee: Mary Casey Ladd

Ladd reported the following:

- The Committee met in October and again later this month.
- The focus is legislation implementation and this was shown in today's presentation.
- David Sandry will now be on the Committee.

- I. Legislative Task Force: Tony Bibus

Bibus reported that the Task Force meets monthly now and he expressed his appreciation for the information that was discussed and received at the October 5

meeting with county supervisors and directors. There was valuable discussion and direction given about the registration process for people who aren't eligible for licensure.

J. Licensing Study Committee: Antonia Wilcoxon

Wilcoxon reported the following:

There is good participation and representation of different groups, including Board members, Advisory Committee members and community members. Beehler, Hallman, Ladd, Langseth, Middelbrooks, Ryan, Merriman and Zacher-Pate are serving on the committee. The committee is meeting monthly.

Legislative Mandate regarding the study:

"The Board of Social Work shall study and make recommendations to the legislature by December 15, 2008, on how to increase the numbers of licensed social workers serving underserved communities and culturally and ethnically diverse communities. The study shall also explore alternative paths to licensure that does not include a standardized examination."

Appreciation was expressed to Chris Black-Hughes who is working with the assistance of a MSU graduate student, Yong-Seuk Park to map for the entire state the location of all licensed and degreed county social workers compared to race, ethnic heritage (identified by language), population and income.

A special meeting of the LSC committee will be identified to research and discuss the second part of the legislative mandate.

A report must be made to the Legislature by December 15, 2008, so a preliminary report and recommendations from the Committee should be presented to the Board at its September 2008 meeting for consideration.

K. OMHP: Tony Bibus

Bibus reported that there was no meeting and it has been difficult getting a quorum to have a future meeting. Also, Bode will be taking his place on OMHP's Program Committee.

*[Cullen, Middlebrooks and Wilcoxon left the meeting at 2:10 p.m.]*

9. NOMINATING COMMITTEE: Election of 2008 Board Officers

Bode reported the following slate of officers for approval:

David Hallman, Chair  
Ken Middlebrooks, Vice Chair  
Bill Cullen, Secretary-Treasurer

**A motion was made by the Nominating Committee to approve the following Board slate of officers for 2008: David Hallman-Chair, Ken Middlebrooks-Vice Chair, and Bill Cullen-Secretary-Treasurer. The motion carried unanimously.**

Middlebrooks thanked Mullegama for serving as Board Chair this past year.

10. PROPOSED 2009 MEETING SCHEDULE [Attached]

**A motion was made by Bibus, and seconded by Langseth, to approve the proposed 2009 Board meeting schedule. The motion carried unanimously.**

11. PUBLIC COMMENT

Alan Ingram, Executive Director, National Association of Social Workers, Minnesota Chapter, made the following comments:

- The Association had a two hour ethics training yesterday. With 40 people in attendance, six or seven wanted to talk about licensure exemptions and the ethical concerns they have about working with unlicensed social workers in private agencies and employers who tell them they do not need to be licensed. These people are not licensed and they said they would not spend the money to be licensed.
- At the Age and Odyssey Conference in Duluth, people said that employers from their small nonprofit agencies tell them that they do not have to be licensed. His response was that if you have an accredited degree, licensure is mandatory even if the job title doesn't include the word "social worker".
- We could check the U.S. census and see how many people declare themselves social workers compared to the number of licensees we have and have an educational campaign which would include sending letters to the Council of Non-Profits and United Way.

*[Bode left the meeting at 2:20 p.m.]*

12. OTHER BUSINESS

Merriman announced that he is going to retire and that there is no specific date except that it will be after the March and before the May Board meetings. He said that he had talked about it with the Executive Committee this morning.

13. Roundtable

There was no roundtable discussion.

14. ADJOURN

The meeting adjourned at 2:30 p.m.

Respectfully submitted,



William Cullen  
Secretary-Treasurer